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—and—

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*Counsel to Black Diamond Commercial
Finance, LLC*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Plaintiff,

v.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

Adv. Proc. No. 16-03105 (KLP)

Defendants.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

v.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Counterclaim-Defendant.

**PLAINTIFF’S RENEWED MOTION TO REMAND OR, ALTERNATIVELY, FOR
DISCRETIONARY ABSTENTION**

Plaintiff Black Diamond Commercial Finance, LLC (“Black Diamond”), by its attorneys McGuireWoods LLP and Covington & Burling LLP, files this motion (the “Motion”) seeking entry of an order, substantially in the form attached hereto as Exhibit A, remanding the instant action to the Supreme Court of New York, New York County, or abstaining from hearing the instant action and granting related relief. In support of this Motion, Black Diamond submits its Memorandum of Law in Support of Plaintiff’s Renewed Motion to Remand, or, Alternatively, Discretionary Abstention, dated May 10, 2016; Declaration of C. William Phillips, dated May 10, 2016; all filed simultaneously herewith.

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Dated: May 10, 2016
Richmond, Virginia

Respectfully submitted,

By: /s/ John H. Maddock III
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EXHIBIT A

Proposed Order

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*Counsel to Black Diamond Commercial
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Plaintiff,

v.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Defendants.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

v.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Counterclaim-Defendant.

Adv. Proc. No. 16-03105 (KLP)

**ORDER GRANTING PLAINTIFF’S MOTION FOR REMAND OR, ALTERNATIVELY,
FOR DISCRETIONARY ABSTENTION**

Upon the motion (the “Motion”) of plaintiff Black Diamond Commercial Finance, LLC (“Black Diamond”) for an entry of an order (this “Order”) remanding this action to the Supreme Court of the State of New York, New York County, or abstaining from hearing the instant action and granting related relief; and on the accompanying Plaintiff’s Memorandum of Law in Support of Plaintiff’s Renewed Motion to Remand, or, Alternatively, Discretionary Abstention, dated May 10, 2016; and the Declaration of C. William Phillips, dated May 10, 2016; and it appearing that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and any objections to the relief requested herein having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted.
2. This action is remanded to the Supreme Court of the State of New York, New York County.
3. The Clerk of this Court is directed to furnish the Clerk of the New York Supreme Court, New York County with a certified copy of this Order and to take all steps necessary to remand this matter to the Supreme Court of the State of New York, New York County and close this adversary proceeding.

Richmond, Virginia

UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ John H. Maddock III
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*Counsel to Black Diamond Commercial
Finance, LLC*

CERTIFICATION OF ENDORSEMENT
UNDER BANKRUPTCY RULE 9022-(1)(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

Dated: May 10, 2016

/s/ John H. Maddock III